

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2003-0027

Waste Discharge Requirements

for

THE PACIFIC LUMBER COMPANY, SCOTIA PACIFIC COMPANY LLC,
AND SALMON CREEK CORPORATION

P.O. Box 37
Scotia, CA 95565

FRESHWATER CREEK

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter the Regional Water Board) finds that:

1. The Pacific Lumber Company, the Scotia Pacific Company LLC, and Salmon Creek Corporation, all subsidiaries of MAXXAM, Inc., (hereinafter collectively referred to as the Discharger) together own approximately 15,400 acres (77%) of the 19,892 acre Freshwater Creek watershed. Freshwater Creek, which is tributary to Humboldt Bay, is located east of Eureka. Freshwater Creek is listed as sediment impaired under Section 303(d) of the federal Clean Water Act.
2. The Discharger conducts timber harvesting, forestry management, road construction and maintenance, and related activities on the lands within the Freshwater Creek watershed within its ownership.
3. On January 16, 2003, the Discharger submitted a Report of Waste Discharge (ROWD) for seven timber harvest plans (THPs) that are planned to be operated on during the winter of 2002-2003. All seven of the THPs drain to Freshwater Creek or tributaries to Freshwater Creek. Waste discharge requirements for two THPs, 1-01-325 HUM and 1-01-378 HUM, have been waived pursuant to Order No. R1-2003-0006. Waste discharge requirements for one THP, 1-01-428 HUM, and portions of another THP, 1-01-411 HUM Units 1 and 2, have been waived pursuant to Order No. R1-2002-0109. This order only includes THPs or portions of THPs not already covered by waste discharge requirements or waiver thereof. The four THPs subject to this order represent approximately 238 acres of timber harvest, with the majority utilizing evenage management, and are listed below.

THP Number	Harvested Acres	Silviculture
1-01-200 HUM	51	CC/49; CT/2
1-01-411 HUM	37	CC/36; SEL/1
1-01-451 HUM	100	CC/95; CT/5
1-01-453 HUM	50	CC/48; CT/2
Totals	238	CC/228; CT/9; SEL/1
CC=Clearcut; CT=Commercial Thin; SEL=Selection.		

4. Pursuant to the Water Quality Control Plan for the North Coast Region (Basin Plan), including State Water Resources Control Board (State Water Board) Resolution No. 88-63, the existing and potential beneficial uses of the Eureka Plain Hydrologic Unit, including Freshwater Creek and its tributaries, are:
 - a. Municipal and Domestic Supply (MUN)
 - b. Agricultural Supply (AGR)
 - c. Industrial Service Supply (IND)
 - d. Navigation (NAV)
 - e. Water Contact Recreation (REC-1)
 - f. Non-contact Water Recreation (REC-2)
 - g. Cold Freshwater Habitat (COLD)
 - h. Wildlife habitat (WILD)
 - i. Rare, Threatened, or Endangered Species (RARE)
 - j. Marine Habitat (MAR)
 - k. Migration of Aquatic Organisms (MIGR)
 - l. Spawning, Reproduction, and/or Early Development (SPWN)
 - m. Shellfish Harvesting (SHELL)
 - n. Estuarine Habitat (EST)
 - o. Aquaculture (AQUA)
5. The Basin Plan contains water quality objectives developed to protect the above-listed beneficial uses of water. Economic considerations were considered as required by law during the development of these objectives. Prohibitions, provisions, and specifications contained in this Order implement these previously developed water quality objectives. Compliance with water quality objectives will protect the beneficial uses listed in Finding 4, above.
6. During the decade from 1987 to 1997, Pacific Lumber significantly increased the rate of timber harvest on its ownership over the rate of harvest that occurred during the period from 1974 to 1987.
7. Corresponding with the increased rates of harvesting and related activities, an increase in sediment deliveries to Freshwater Creek has been documented. During this same time period residents reported degraded water quality conditions. These conditions have been documented by residents and Regional Water Board staff. (PWA, 1999; CRWQCB, 2000; CDF, 1997).
8. Increases in sediment deliveries indicate a linkage between the Discharger's increased timber activities and increased degradation of stream conditions. Since the Discharger is responsible for the construction of roads, landing and harvesting activities, the Discharger has caused or permitted discharges of sediment significantly greater than would be expected in the absence of timber harvest activities.
9. The sediment impairment in Freshwater Creek has adversely affected beneficial uses, eliminated or significantly reduced fish habitat, and significantly reduced channel capacity, contributing to increased severity and frequency of flooding. The increased flooding threatens public health and safety, including homes, roads, and other structures.

18. At this time, the Discharger is proposing to conduct activities on a number of THPs within its Freshwater Creek ownership, including the four THPs described in the ROWD. These activities will result in additional discharges and threatened discharges of sediment to Freshwater Creek and its tributaries, threatening to cause further impairment of the beneficial uses of Freshwater Creek.
19. The provisions and prohibitions contained in this order are consistent with the provisions of State Water Board Resolution No. 68-16, "*Statement of Policy with Respect to Maintaining High Quality of Waters in California*." If the provisions and prohibitions contained in this order are complied with, impacts to receiving waters will be insignificant.
20. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to take this action, and has provided them with an opportunity to submit their written views and recommendations.
21. Environmental analysis documents have been prepared pursuant to the California Environment Quality Act (Pub. Resources Code, section 21000 et seq.) (CEQA) for the projects listed above in Finding 3. The timber harvesting review process enacted by the Z'Berg-Njedly Forest Practice Act of 1973 (Pub. Resources Code, section 4511 et seq.) is a certified regulatory program pursuant to CEQA. (Title 14, California Code of Regulations, section 15251(a).) The THP documents prepared pursuant to the California Forest Practice Rules (Title 14, California Code of Regulations, section 895 et seq.) serve as a substitute environmental document pursuant to CEQA. Because the THP process meets the criteria set forth in Title 14, California Code of Regulations, 15253, the THP documents are conclusively presumed adequate and must be relied upon by the Regional Water Board in complying with CEQA to authorize activities addressed in the THPs. (Pub. Resources Code, section 21167.2; Title 14, California Code of Regulations, section 15231.) The Regional Water Board may require the preparation of supplemental environmental documentation only in the event of significant new information as specified in Title 14, California Code of Regulations, sections 15162, 15096, and 15052. The Regional Water Board has considered the THPs as required by Title 14, California Code of Regulations, section 15096(f), and finds that no grounds to require supplemental environmental documentation exist. The THPs therefore satisfy the Regional Water Board's obligation to comply with CEQA before issuing this Order.
22. The Regional Water Board, in a public meeting held in the Regional Water Board Hearing Room, Santa Rosa, California on February 27, 2003, heard and considered all comments pertaining to this action.

THEREFORE, IT IS HEREBY ORDERED THAT the Discharger shall comply with the following in order to meet provisions of the Basin Plan, California Water Code and regulations adopted thereunder:

I. DISCHARGE PROHIBITIONS

- A. Except in accordance with the terms of the Report of Waste Discharge, the controllable discharge or deposition of soil, silt, bark, slash, sawdust, or other earthen or organic material other than large woody debris from any logging, construction or associated

activity into Freshwater Creek or its tributaries or to a location where such material could pass into Freshwater Creek or its tributaries is prohibited. Controllable discharges or depositions are those discharges or depositions resulting from human activities that can influence the quality of waters of the State and that can be reasonably controlled through prevention, mitigation, or restoration.

- B. Creation of a condition of pollution, contamination, or nuisance, as these terms are defined in California Water Code section 13050, is prohibited.
- C. The discharge of storm water from a facility or activity that causes or contributes to the violation of water quality standards or water quality objectives (collectively WQs) is prohibited.

II. DISCHARGE STANDARDS AND OBJECTIVES

- A. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause coloration that causes nuisance or adversely affect the beneficial uses of Freshwater Creek or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Color, page 3-2.00).
- B. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or that cause nuisance or adversely affect the beneficial uses of Freshwater Creek or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Taste and Odor, page 3-2.00).
- C. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain floating material, including solids, liquids, foams, and scum in concentrations that cause nuisance or adversely affect the beneficial uses of Freshwater Creek or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Floating Material, page 3-2.00).
- D. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain suspended material in concentrations that cause nuisance or adversely affect the beneficial uses of Freshwater Creek or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Suspended Material, page 3-2.00).
- E. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not result in deposition of material that adversely affects the beneficial uses of Freshwater Creek or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Settleable Material, page 3-2.00).

- F. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the beneficial uses of Freshwater Creek or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Oil and Grease, page 3-3.00).
- G. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the beneficial uses of Freshwater Creek or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Biostimulatory Substances, page 3-3.00).
- H. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause the suspended sediment load and the suspended sediment discharge rate to be altered in such a manner as to cause nuisance or adversely affect beneficial uses of Freshwater Creek or its tributaries (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Sediment, page 3-3.00).
- I. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause the turbidity of Freshwater Creek or its tributaries, to be increased more than 20 percent above naturally occurring background levels (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Turbidity, page 3-3.00). Naturally occurring background levels of water quality are those levels of water quality that would naturally occur in the Freshwater Creek absent controllable discharges.
- J. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters in Freshwater Creek or its tributaries to contain any toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Toxicity, page 3-4.00).
- K. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses of Freshwater Creek or its tributaries. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Pesticides, page 3-4.00).

- L. Upon acceptance of the ROWD as complete, or any amendments thereto, by the Executive Officer, the Discharger shall implement the discharge control measures as described in the ROWD.

III. DISCHARGE PROVISIONS

A. Copies of Order

Copies of this Order shall be maintained at appropriate business office(s) and field location(s) so as to be readily available for reference by any personnel at all times.

B. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

C. Operation and Maintenance

The Discharger must, at all times, maintain in good working condition and operate as efficiently as possible all facilities, treatment systems, erosion control systems and related appurtenances that allow for management of controllable waste discharges to Freshwater Creek and its tributaries. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

D. Unplanned Change in Discharge

The Discharger must promptly report to the Regional Water Board in writing any unplanned material change in the volume or location of waste discharge in Freshwater Creek and its tributaries. Such changes include, but are not limited to, landslides, herbicides, pesticides, petroleum hydrocarbons, and accidental spills.

E. Change in Ownership

In the event of any change in control or ownership of land or waste discharge presently owned or controlled by the Discharger, the Discharger must notify the succeeding owner or operator of the following items by letter, a copy of which must be forwarded to the Regional Water Board.

1. existence of this Order, and
2. the status of the Discharger's annual fee account

F. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal,

state, or local laws, nor create a vested right for the Discharger to continue the discharge of waste.

G. Monitoring

The Discharger shall comply with the Monitoring and Reporting Program (M&R) No. R1-2003-0027 (Attachment A) and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein.

H. Inspections

The Discharger shall permit authorized staff of the Regional Water Board:

1. entry upon premises in which a discharge source is located or in which any records are kept;
2. access to copy any records required to be kept under terms and conditions of this Order;
3. inspection of any monitoring locations, equipment, or records; and
4. sampling of any discharge at any location.

I. Inspection Program

1. The Discharger shall have an inspection program to ensure actions are implemented and facilities are constructed, operated, and maintained in accordance with these WDRs. The inspection program shall include training for inspection personnel, documentation of field activities, and a reporting system that can be used to track effectiveness of control measures. This inspection program shall be documented in the ROWD.
2. The Discharger shall inspect active project sites and roads during and after storms to ensure that management practices are functioning adequately and preventing the discharge of pollutants to surface waters or storm water conveyance systems that discharge to surface waters.

J. Noncompliance

1. In the event the Discharger is unable to comply with any of the conditions of this Order the Discharger shall notify the Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include descriptions of (1) the nature and cause of the noncompliance; (2) the management practices currently being implemented to correct the noncompliance and dates thereof; (3) any additional management practice(s) that will be implemented to prevent or reduce pollutants that are causing or contributing to the noncompliance; (4) steps being taken to prevent the noncompliance from recurring; and (5) any maintenance or repair of erosion control measures conducted. This report shall also include an implementation schedule for corrective actions.

2. Immediately after the submitting the noncompliance notification to the Regional Water Board, the Discharger shall revise its ROWD to incorporate the additional management measures that have been and will be implemented, the implementation schedule, and any additional monitoring needed.
3. Nothing in this section shall prevent the Regional Water Board from enforcing any condition(s) of this permit while the Discharger prepares and implements the above report.
4. Specific limitations called for in II. Discharge Standards and Objectives-I may be exceeded for very short time periods, and only to the extent that beneficial uses are not impaired, in order to install necessary pollution control facilities such as bridges, culverts, energy dissipation devices, or erosion control devices. A "very short time period" is defined as the period of time necessary to install a given device and to immediately stabilize any disturbed soil following installation. This assumes that no time is allowed to elapse between completion of device installation and commencement of stabilization activities and that stabilization efforts continue, uninterrupted from start to completion.

K. Unscheduled Revision of Requirements

1. The Regional Water Board requires the Discharger to file a ROWD at least 90 days before making any material change or proposed change in the character, location, or volume of any discharge. Such changes include, but are not limited to, amending or modifying covered timber harvest plans, adding new timber harvest plans within the watershed, building new roads, etc.
2. These WDRs may be modified. The filing of a request by the Discharger for WDR modification or a notification of planned changes or anticipated noncompliance does not stay any conditions of these WDRs. Causes for modification include the promulgation of new regulations or adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan.
3. The Executive Officer may make minor alterations to these waste discharge requirements, provided that:
 - a) Any proposed changes to be covered by these waste discharge requirements does not constitute a material change in the character, location, or volume of the discharge currently covered by these waste discharge requirements;
 - b) Any proposed changes will be submitted as a revision to the Discharger's ROWD; and,
 - c) If the proposed change(s) falls under the jurisdiction of the California Department of Forestry and Fire or the Forest Practice Act or the Forest Practice Rules, then the proposed change must first be approved by CDF prior to revisions of these waste discharge requirements.

L. Scheduled Annual Revision of Requirements

1. The Discharger shall submit, by July 1 of each year, a revised ROWD which identifies all timber harvesting and associated activities proposed to be conducted in the Freshwater Creek watershed during the upcoming winter period.
2. Management practice development is a fluid and dynamic process, and the menu of management practices contained in the ROWD may require changes over time as experience is gained and/or the state of the art progresses. The ROWD shall be reviewed annually and modified as necessary to maintain an effective program. The ROWD shall reflect the principles that storm water management is to be a year-round proactive program to eliminate or control pollutants at their source or to reduce them from the discharge by either structural or nonstructural means when elimination at the source is not possible.
3. The ROWD shall include an effective operation and maintenance program for management practices, which includes a clear description of inspection and monitoring frequency, method(s), and personnel; criteria used to assess proper function; process for maintaining or repairing management practices; documentation system; and training/educational program for employees and contractors conducting activities within the area covered by these WDRs.

M. Herbicide or Pesticide Use Notification

The Discharger shall notify the Regional Water Board in writing 45 days in advance of the use of any herbicide or pesticide between October 15 and May 1 of each year, which is to be applied on any lands covered by this Order. Notification shall include the type of material used and its U.S. EPA registration number, its application rate, its application method, the range, township, and section numbers of land affected, as well as the total number of acres affected, and methods to be employed to ensure that the material is not introduced to Freshwater Creek or its tributaries.

N. Other Applicable Laws and Regulations

1. The Discharger shall comply with all requirements relating to erosion control and water quality protection contained in the Forest Practice Rules, as may be amended from time to time, and contained in the THPs covered by this Order.
2. The Discharger is expected to comply with lawful requirements of Humboldt County, federal agencies, and other State agencies, regarding storm water discharges. These WDRs do not authorize violation of any federal, State, or local law or regulation.

O. Non-Sediment Wastes

The Discharger shall identify and describe additional types and sources of pollutants other than sediment that may be discharged to receiving waters and describe:

1. control measures to reduce pollutants to the maximum extent practicable and to minimize the adverse impacts of such sources;
2. procedures and Performance Standards for their implementation; and,
3. procedures for monitoring and record management.

The Discharger shall notify the RWQCB within 48 hours, by telephone, of knowledge of a discharge of non-sediment waste and report discharges of non-sediment waste within Monitoring and Reporting Program No. R1-2003-0027.

P. Emergency Discharges

Discharges or flows from health and safety emergencies, such as fire fighting activities and accident response, shall be reported to the Regional Water Board within 48 hours of initial abatement activities.

Q. Activity commencement and conclusion notifications

1. A startup notification for activities in individual THP units shall be provided to the RWQCB at least five business days prior to the commencement of activities. The tentative start date, tentative duration, and timing of various activities to be conducted (tree felling, yarding, site preparation, planting, etc.) shall be reported. Startup notification may be made via e-mail communication.
2. A notification shall be provided to the RWQCB at the conclusion of activities in individual THP units. Completion notification may be made via e-mail communication.

R. Training/Education for Staff and Contractors

1. The Discharger shall ensure that all personnel and contractors whose decisions or activities could affect storm water quality are familiar with the contents of these WDRs.
2. The Discharger shall provide a training program to employees whose activities may affect storm water discharges or who are responsible for inspecting/monitoring discharges in order to reinforce the training.
3. The Discharger shall provide a training program to contractors to raise their awareness of the problems and causes of stormwater pollution and to reinforce their training.

S. Signatory Requirements

1. All permit applications, reports, or information submitted to the RWQCB shall be signed by a responsible corporate officer or by a duly authorized representative. For the purpose of these WDRs, a responsible corporate officer means:

- (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

A person is a duly authorized representative if:

- (c) the authorization is made in writing by a person described in Item (a or b) above; and
 - (d) the authorization specifies either an individual or a position having responsibility for the overall operation of the construction activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - (e) the written authorization is submitted to the Regional Water Board staff prior to or together with any reports, information, or applications signed by the authorized representative.
2. Any person signing a document submitted pursuant to Order No. R1-2003-0027 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Certification

I, Susan Warner, Executive Officer, do hereby
Certify that the foregoing is a full, true, and correct
copy of an Order adopted by the California
Regional Water Quality Control Board, North Coast
Region on February 27, 2003.



Susan Warner
Executive Officer

California Regional Water Quality Control Board
North Coast Region

GENERAL MONITORING AND REPORTING PROVISIONS

February 3, 1971
(Retyped May 20, 1993)

GENERAL PROVISIONS FOR SAMPLING AND ANALYSIS

Unless otherwise noted, all sampling, sample preservation, and analyses shall be conducted in accordance with the current edition of "Standard Methods for the Examination of Water and Waste Water" or approved by the Executive Officer.

All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health or a laboratory approved by the Executive Officer.

All samples shall be representative of the waste discharge under the conditions of peak load.

GENERAL PROVISIONS FOR REPORTING

For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge in full compliance with requirements at the earliest time and submit a timetable for correction.

By January 30 of each year, the discharger shall submit an annual report to the Regional Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the discharger shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the waste discharge requirements.

The discharger shall file a written report within 90 days after the average dry weather flow for any month that equals or exceeds 75 percent of the design capacity of the waste treatment or disposal facilities. The report shall contain a schedule for studies, design, and other steps needed to provide additional capacity or limit the flow below the design capacity prior to the time when the waste flow rate equals the capacity of the present units.

California Regional Water Quality Control Board
North Coast Region

CONTINGENCY PLANNING AND NOTIFICATION REQUIREMENTS

FOR

ACCIDENTAL SPILLS AND DISCHARGES

ORDER NO. 74-151

The California Regional Water Quality Control Board, North Coast Region, finds that:

1. Section 13225 of the Porter-Cologne Water Quality Act requires the Regional Board to perform general duties to assure positive water quality control.
2. The Regional Board has been advised of situations in which preparations for, and response to accidental discharges and spills have been inadequate.
3. Persons discharging waste or conveying, supplying, storing, or managing wastes or hazardous materials have the primary responsibility for contingency planning, incident reporting and continuous and diligent action to abate the effects of such unintentional or accidental discharge.

THEREFORE, IT IS HEREBY ORDERED THAT:

- I. All persons who discharge wastes or convey, supply, store, or otherwise manage wastes or other hazardous material shall:
 - A. Prepare and submit to this Regional Board, according to a time schedule prescribed by the Executive Officer, a contingency plan defining the following:
 1. Potential locations and/or circumstances under which accidental discharge incidents might be expected to occur,
 2. Possible water quality effects of accidental discharges,
 3. The conceptual plan for cleanup and abatement of accidental discharge incidents, including:
 - a. The individual who will be in charge of cleanup and abatement activities on behalf of the discharger,
 - b. The equipment and manpower available to the discharger to implement the cleanup and abatement plans,
 - B. Immediately report to the Regional Board any accidental discharge incidents. Such notification shall be made by telephone as soon as the responsible person or his agent has knowledge of the incident.
 - C. Immediately begin diligent and continuous action to cleanup and abate the effects of any unintentional or accidental discharge. Such action shall include temporary measures to abate the discharge prior to completing permanent repairs to damaged facilities.

D. Confirm the telephone notification in writing within two weeks of the telephone notification. The written notification shall include: reasons for the discharge, duration and volume of the discharge, steps taken to correct the problem and steps being taken to prevent the problem from recurring.

I. Upon original receipt of phone report (I.B.), the Executive Officer shall immediately notify all affected agencies and known users of waters affected by the unintentional or accidental discharge.

II. Provide updated information to the Regional Board in the event of change of staff, size of the facility, or change of operating procedures which will affect the previously established contingency plan.

V. The Executive Officer or his employees shall maintain liaison with the discharger and other affected agencies and persons to provide assistance in cleanup and abatement activities.

The Executive Officer shall transmit copies of this Order to all persons whose discharges of waste handling activities are governed by Waste Discharge Requirements or an NDPES permit. Such transmittal shall include a current listing of telephone numbers of the Executive Officer and his key employees to facilitate compliance with Item I.B of this Order.

Ordered by


Benjamin D. Kor
Executive Officer

July 24, 1974
(Retyped February 15, 1990)

Our primary notification should be to the Regional Board office in Santa Rosa at (707) 76-2220. During off hours, you will be able to leave a recorded message at that number and, if you have a spill or discharge emergency, you will also be referred to the State Office of Emergency Services (OES) at (800) 852-7550. OES maintains a roster of key employees and will relay your notification to Regional Board staff.

California Regional Water Quality Control Board
North Coast Region

Monitoring and Reporting Program No. R1-2003-0027

for

THE PACIFIC LUMBER COMPANY, SCOTIA PACIFIC COMPANY LLC,
AND SALMON CREEK CORPORATION

P.O. Box 37
Scotia, CA 95565

FRESHWATER CREEK
Humboldt County

INTRODUCTION

This Monitoring and Reporting Program (MRP) requires instream water sample collection at selected stream crossings. However, activities on the Timber Harvest Plans (THPs) covered by Board Order Number (Order No.) R1-2003-0027 have commenced or will commence shortly. There will not be an opportunity to collect pre-project instream water quality data against which to assess impacts resulting from the timber harvesting and related activities covered by Order No. R1-2003-0027. Therefore, at this time, this MRP does not require instream water quality monitoring specifically associated with potential discharges from timber harvest units. Instream data collected for other purposes within the watershed, such as for TMDL monitoring, monitoring for THP 1-01-201 HUM, or for future THPs not covered by Order No. R1-2003-0027, may be considered, where applicable, in evaluating specific instances of noncompliance.

OBJECTIVES

The objective of monitoring conducted under this monitoring program shall be to assess and demonstrate compliance with Order No. R1-2003-0027. Where noncompliance is identified, this MRP specifies that the Discharger notify the Regional Water Board of the noncompliance and subsequently report any measures taken to correct the noncompliance.

I. MONITORING

A. Stream Crossing Monitoring and Quantitative Assessment of Sediment Control Devices

1. Station establishment

- a. The Discharger shall establish stations at various stream crossings and sediment control devices identified by Regional Water Board staff.
- b. For each station, within 30 days of identification by Regional Water Board staff, the Discharger shall establish monitoring stations. Monitoring stations shall consist of a pair of sampling points: one upstream and one downstream of the watercourse crossing or sediment control device. The upstream and downstream sampling points at each monitoring site shall be designated by the following naming convention: at monitoring location WQ-1, the upstream sampling point shall be identified as WQ-1u, and the downstream sampling point shall be identified as WQ-1d, for example.

- c. For the purposes of watercourse crossing monitoring, "upstream" means at a sufficient distance up slope, within the stream channel, to eliminate the influence of any road-related runoff and "downstream" means at a sufficient distance down slope, within the stream channel, to allow complete mixing of road-related runoff.

For the purposes of sediment control device monitoring, "upstream" and "downstream" points should be located immediately adjacent to the up- and downstream sides of the device to be assessed, so as to minimize the potential for additional influences.

2. Sampling Parameters:

Sampling shall be conducted according to the following specifications:

<u>Location</u>	<u>Parameter</u>	<u>Units</u>	<u>Sampling Method</u>	<u>Sampling Frequency</u>
TBA	Turbidity	NTU	Grab Sample	Upon Triggering Event

3. Sampling Schedule and Frequency:

- a. The Discharger shall initiate grab sampling for each upstream-downstream pair of sampling points upon identification and establishment of each station according to the following specifications:
- Samples shall be collected within 24 hours of the occurrence of a significant rainfall event, nearest to the peak of the event as feasible.
 - A significant rainfall event is defined as a storm event producing greater than 1.0 inch of rain within a 24-hour period as measured at the Eureka National Weather Service Station or using another method determined by the Regional Water Board staff and the Discharger to be appropriate. A significant rainfall event is considered terminated after two consecutive 24-hour periods with less than 0.2 inches of rain.
 - No more than ten significant rainfall events shall be sampled annually¹ with the following exception: storms of 3.0 inches or greater shall be sampled regardless of the number of storms that have previously been sampled.
 - If conditions for grab sampling are unsafe, the conditions shall be documented in a written log and sampling shall resume as soon as conditions are safe. If personnel are unavailable due to conditions such as official holidays, these conditions shall also be documented and sampling shall resume as soon as personnel are available.
- b. At each road segment monitoring location, the Discharger shall conduct watercourse crossing inspections according to the following specifications:

¹ For purposes of this MRP, "annually" refers to water year (i.e., October 1 - September 30).

- i. Watercourse crossing inspections shall be conducted at each location where a difference in turbidity of 20% or greater is detected between the upstream and downstream sampling points associated with the watercourse crossing.
 - ii. Inspections shall be conducted during the next significant rainfall event following the detection, nearest to the peak of the event as feasible. Road segment monitoring locations associated with watercourse crossings identified above shall be limited to the road segments draining (via overland flow or road drainage ditch) to the associated watercourse crossings and to the portion of the hillslope which drains to those road segments.
 - iii. If conditions for conducting watercourse crossing inspections are unsafe, the conditions shall be documented in a written log and inspections shall resume as soon as conditions are safe. If personnel are unavailable due to conditions such as official holidays, these conditions shall also be documented and inspections shall resume as soon as personnel are available.
 - c. At each sediment control device monitoring location, the Discharger shall conduct an inspection each time grab samples are collected at the monitoring location per I.A.3.a.
4. Sampling/Inspection Protocols and Procedures
- a. For each stream crossing and sediment control device station, the Discharger shall establish a field method by which samples shall be obtained from the same locations in a repeatable fashion. For example, flagging or marking of each sampling point may be done to direct field staff to the sampling locations.
 - b. The Discharger shall measure the turbidity of each grab sample within 48 hours of the time at which it was collected using a Nephelometer capable of measuring turbidity to within ± 2 percent for turbidities within the range of 0 to 2000 NTU, while following the Quality Assurance/Quality Control (QA/QC) Program described in Item D below.
 - c. Watercourse crossing inspections shall include, but not be limited to, mapping, photographing, and describing in a written log all sediment sources at monitoring locations that have discharged or have the potential to discharge soils to watercourses or to contribute to instream turbidity. Sediment sources to be identified shall include, but not be limited to, landslides, debris flows, and erosion from hillslopes, stream banks, roads, skid trails, and watercourse crossings. Sediment sources shall be identified as having likely been caused by either natural circumstances or anthropogenic activities. Watercourse crossing inspections shall specifically identify and describe any new sediment sources or changes in the conditions of the sediment sources documented previously during hillslope and/or watercourse crossing inspections.

- d. Sediment control device inspections shall include, but not be limited to, photographing and describing in a written log observations of the installation and operation of the sediment control device, including:
 - i. assessment of the device to ensure that it is properly installed and functioning properly.
 - ii. estimate of flows entering and leaving the device.
 - iii. photographs of device from upstream looking down at the device and from downstream looking up at the device. Photographs should be taken from no more than 15 feet away from the device.
- e. The Discharger shall notify the Regional Water Board Executive Officer by telephone as soon as a detection meeting the criteria described in I.B.3.b.i., above, occurs. In addition, the Discharger shall provide written confirmation to the Regional Water Board Executive Officer of detection within 2 weeks of the detection. If such an occurrence is attributable to timber harvest and related activities in the Elk River watershed and is to be remedied through the application of measures in the Discharger's HCP or through measures in the California Forest Practice Rules (FPRs), the remedy shall be described in the notification. Likewise, if the occurrence is to be remedied by means other than measures in the HCP or the FPRs, the Discharger shall submit a site-specific sediment control plan describing those means to the Regional Water Board Executive Officer for review and approval.

B. Sediment Saving Site Evaluation

Prior October 1, 2003 and each year thereafter, the Discharger shall provide Regional Water Board staff with a list of sediment saving sites to be worked on between October 1 and May 1 of each winter and the proposed schedule for conducting work at each site. For sites identified by Regional Water Board staff, the Discharger shall do the following:

1. Prior to commencing work at each site, the Discharger shall compile the following information:
 - a. Pre-project longitudinal profile from 25 feet upstream of site boundary to 25 feet downstream of site boundary and stream channel cross sections at the upstream and downstream boundaries and at the project mid-point.
 - b. Measurement of estimated volume of sediment to be removed.
 - c. Photographs of site taken instream looking upstream at the downstream boundary and downstream at the upstream boundary.
2. During work at each site, the Discharger shall document the volume of soil removed from the site.
3. Following completion of work at each site, the Discharger shall:

- a. Develop a longitudinal profile from 25 feet upstream of site boundary to 25 feet downstream of site boundary and stream channel cross sections at the upstream and downstream boundaries and at the project mid-point.
- b. Take photographs of the site looking upstream at the downstream boundary and downstream at the upstream boundary.
- c. Collect grab samples up- and downstream of the project site 24, 48, and 96 hours following completion of work and during the first significant storm following completion of work. Sampling stations shall be established in accordance to I.A.1.b., above, and shall be sampled and analyzed in accordance with I.A.2, I.A.3., and I.A.4. The Discharger shall notify Regional Water Board Executive Officer in accordance with I.A.4.d, above, in the event of a detection meeting the criteria in I.A.3.b.i.

C. Quality Assurance and Quality Control (QA/QC) Program

1. The Discharger shall develop a comprehensive QA/QC Program for the monitoring activities to be implemented. The QA/QC Program shall address all aspects of the monitoring program and shall contain, at a minimum, but not be limited to:
 - a. Standard procedures for the establishment of repeatable sampling locations;
 - b. Standard operating procedures for each field method and piece of equipment used;
 - c. Standard operating procedures for each laboratory method and piece of equipment used;
 - d. Standard reporting procedures;
 - e. Measures for quality assurance associated with monitoring and reporting procedures;
 - f. Measures for quality control associated with monitoring and reporting procedures;
 - g. A training program for personnel conducting monitoring activities; and,
 - h. Measures for adapting the QA/QC Program, when necessary.
2. Prior to March 1, 2003, the Discharger shall develop the QA/QC Program and submit it to the Regional Water Board Executive Officer for approval. Following approval of the QA/QC Program, the Discharger shall implement the procedures and control measures specified therein.
3. By March 1, 2003, the Discharger shall train all personnel who may conduct monitoring or other activities associated with this MRP according to the provisions of the approved QA/QC Program.
4. Following implementation of the approved QA/QC Program, the Discharger may propose changes to the procedures and control measures specified in the QA/QC Program as necessary, and submit the changes to the Regional Water Board Executive Officer for approval. Following approval of changes to the QA/QC Program, the Discharger shall document such changes and implement the new procedures and control measures immediately.

II. REPORTING

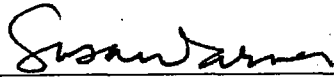
A. Monthly Reports

1. The Discharger shall submit monthly reports to the Regional Water Board Executive Officer by the 15th calendar day of each month for the previous month's reporting period. The reporting period is defined as a calendar month. The reports shall present information collected under Monitoring Sections A. and B., above, and shall include, but not be limited to the following information:
 - a. The date, location and time of each sample collected/measured;
 - b. The individual(s) who performed the sample collection/measurement;
 - c. The date, location and time of sample analyses;
 - d. The individual(s) who performed the analysis;
 - e. Measured and/or analytical results for all water quality samples collected and stage/ streamflow measurements taken during the reporting period;
 - f. Daily rainfall totals for each day during the reporting period;
 - g. Disclosure of possible sources of error;
 - h. Observations made by field staff;
 - i. If non-compliance with any of the covered THPs occurs and is adversely affecting or has the potential to adversely affect water quality, such an occurrence shall be described in writing.
2. Monitoring reports shall be arranged in the format(s) approved by the Regional Water Board Executive Officer, and shall conform to the reporting procedures and control measures specified in the approved QA/QC Program. Complete reports shall be submitted to the Regional Water Board Executive Officer in hardcopy form. All data shall also be submitted in electronic form.
3. Copies of the field inspection logs, notes, mapping, photographs, etc. described in Items I.A.3.a.iv., I.A.3.b.iii, I.A.4.c., I.A.4.d., and I.B. shall be submitted as part of each monthly report.
4. For any corrective work completed per Item I.B.4.d. during the reporting period, a completion report shall be submitted as part of each monthly report. Each completion report shall include a detailed description of any erosion control activities taken during the previous month (and any preceding months not already addressed in a monthly report), including a map of the location(s) and the date(s) erosion control actions were taken.
5. Analytical results that reveal detections meeting the criteria described in Item I.A.3.b.i. that are attributable to timber harvest and related activities (including road construction) specified in any of the covered THPs shall be summarized and discussed in each monthly report. The Discharger shall notify Regional Water Board staff by telephone within 24 hours of any such exceedences.

B. Quarterly Reporting

Beginning April 15, 2003, and every quarter thereafter (April 15, July 15, October 15, January 15), the Discharger shall submit a completed copy of the attached Compliance Self-Evaluation Form and associated log sheets.

Ordered by:



Susan Warner
Executive Officer

February 27, 2003

Attachment 1

California Regional Water Quality Control Board
North Coast Region

Compliance Self-Evaluation Form for
Monitoring and Reporting Program No. R1-2003-0027

Issued to
Scotia Pacific Company, LLC
and Pacific Lumber Company

Regarding Winter Activities
Within the Freshwater Creek Watershed

This form fulfills Item IV.C. in the MRP, and documents compliance with provisions of Board Order Number R1-2003-0027 and the Report of Waste Discharge submitted by the Pacific Lumber Company for winter activities in the Freshwater Creek watershed.

REPORTING PERIOD (check a season and fill in year):

- ☐ Spring _____
☐ Summer _____
☐ Fall _____
☐ Winter _____

WASTE DISCHARGE REQUIREMENT PROVISIONS:

A. Copies of Order

Are copies of Board Order Number R1-2003-0027 maintained and appropriate business office(s) and field location(s) so as to be readily available for reference by any personnel at all times?

YES ☐ NO ☐

If YES, please specify locations where copies are maintained. If NO, please indicate reason for noncompliance and indicate date when compliance will be achieved.

C. Operation and Maintenance

Are all facilities, treatment systems, erosion control systems, and related appurtenances that allow for management of controllable waste discharges to the Freshwater Creek and its tributaries maintained in good working condition and operated as efficiently as possible?

YES ☐ NO ☐

If NO, please indicate reason(s) and proposed date to achieve compliance.

D. Unplanned Change in Discharge

Have there been any unplanned changes in discharge over the reporting period (e.g., spills, landslides, etc.)?

YES ☐ NO ☐

If YES, please indicate nature of unplanned change(s) in discharge, date of occurrence, and date(s) of Regional Water Board notification.

J. Noncompliance

1. Have there been any events which have caused an inability to comply with the conditions of Board Order Number R1-2003-0027?

YES ☐ NO ☐

If YES, please indicated nature(s) of and reason(s) for noncompliance, date(s) of occurrence, and date(s) of Regional Water Board notification.

2. Have there been any instances in which II. Discharge Standards and Objectives I have been exceeded during the installation of a necessary pollution control facility such as a bridge, culvert, energy dissipation device, or erosion control device?

YES ☐ NO ☐

If YES, please list location(s), reason(s), and duration(s), below.

M. Herbicide or Pesticide Use Notification

Have herbicides or pesticides been used on the lands covered by Board Order Number R1-2003-0027 during the reporting period (for any portion of the period between October 15 and May 1?

YES ☐ NO ☐

If YES, please list type(s) used, date(s) used, location(s) applied, and date(s) of Regional Water Board notification.

N. Other Applicable Laws and Regulations

Have violation notices, orders, letters, etc. been issued by any governmental agency for activities conducted on the lands covered by Board Order Number R1-2003-0027 during the reporting period?

YES ☐ NO ☐

If YES, please list agency(ies), type(s) of notification(s), and date(s) of notification(s) below and attach copies of any written notification(s).

O. Non-Sediment Wastes

Have any types of pollutants other than sediment been identified that may be discharged to receiving waters?

YES ☐ NO ☐

If YES, please list type(s) of pollutants, date(s) identified, and date(s) of Regional Water Board notification(s).

P. Emergency Discharges

Have there been any discharges or flows from health and safety emergencies over the reporting period?

YES ☐ NO ☐

If YES, please list date(s) of discharge(s), nature(s) of discharge(s), and date(s) of Regional Water Board notification(s).

Q. Activity Commencement and Conclusion Notifications

Have startup and conclusion notifications been provided to Regional Water Board staff for all activities in individual THP units during the reporting period?

YES ☐ NO ☐

If NO, please list instances (date(s), THP number(s), unit number(s)) and date(s) of Regional Water Board notification(s).

R. Training/Education for Staff and Contractors

1. Are all personnel and contractors whose decisions or activities could affect storm water quality familiar with the contents of Board Order Number R1-2003-0027.

YES ☐ NO ☐

If NO, please indicate reason(s) and proposed date by which compliance will be achieved.

2. Is there a training program in place for employees whose activities may affect storm water discharges or who are responsible for inspecting/ monitoring discharges?

YES ☐ NO ☐

If NO, please indicate reason(s) and proposed date by which compliance will be achieved.

3. Is there a training program in place for contractors to raise their awareness of the problems and causes of stormwater pollution?

YES ☐ NO ☐

If NO, please indicate reason(s) and proposed date by which compliance will be achieved.

REPORT OF WASTE DISCHARGE INSPECTION PROGRAM

1. Areas of bare soil 1,000 square feet or larger, or where a potential sediment discharge will occur.

Have any such areas been identified during the reporting period?

YES ☐ NO ☐

If YES, please indicate location(s), date(s) identified, remedial action(s) taken, and current status (alternatively, indicate site number or other identifier below and attach a copy of pertinent log sheet(s) or form(s).

2. Sensitive Segments

Have any "sensitive segments" been identified during the reporting period?

YES ☐ NO ☐

If YES, please indicate location(s), date(s) identified, remedial action(s) taken, and current status (alternatively, indicate site number or other identifier below and attach a copy of pertinent log sheet(s) or form(s).

3. Drainage Facilities that could Potentially Discharge Sediment to Receiving Waters?

Have any such areas been identified during the reporting period?

YES ☐ NO ☐

If YES, please indicate location(s), date(s) identified, remedial action(s) taken, and current status (alternatively, indicate site number or other identifier below and attach a copy of pertinent log sheet(s) or form(s).

4. Erosion or Sediment Control Devices

Have any such devices been installed during the reporting period?

YES ☐ NO ☐

If YES, please indicate location(s), type(s) of devices installed, date(s) installed, and current status (alternatively, indicate site number or other identifier below and attach a copy of pertinent log sheet(s) or form(s).

5. Areas Where Site Conditions Suggest Actions Necessary to Prevent Degradation of Water Quality

Have any such areas been identified during the reporting period?

YES ☐ NO ☐

If YES, please indicate location(s), date(s) identified, remedial action(s) taken, and current status (alternatively, indicate site number or other identifier below and attach a copy of pertinent log sheet(s) or form(s).

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SIGNED: _____

TITLE: _____

DATE: _____